Petitioner \*\*\*\*\*\*\*\*

The Petitioner herein requests a Special Hearing to approve the establishment of a legal nonconforming use of the property known as 791 Glem Avenue, as a three apartment dwelling within the D.R. 3.5 zone, as more particularly described on Petitioner's Exhibit 1.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner, Gary Randall Robbins, represented by John Willis, Esquire, appeared and testified. Appearing as Protestants were Charles Magandt and Craig Cameron.

Testimony indicated that the subject property, known as 791 Glen Avenue is zoned D.R. 3.5 and located in Oella, Maryland. The Petitioner iestified that he purchased the subject property from Mary E. Moore, said conveyance being referenced in the Land Records of Baltimore County at Liber 7716, folio 563, with the intent of renting it as three (3) separate

The Petitioner testified that, since his acquisition of the property, major internal improvements have been made, including ceilings, floors, plumbing, electric, etc. The Petitioner stated that two tenants are currently occupying the second and third floor apartments with the first floor undergoing major renovations. The Petitioner testified that, although he has no personal knowledge of the subject dwelling being occupied for the statutory period as a three apartment dwelling. Prior to 1987,

represents a permissible intensification of the original use or an actual change from the prior legal use. In order to decide whether or not the current activity is within the scope of the nonconforming use, the Zoning Commissioner should consider the following factors:

> "(a) To what extent does the current use of these lots reflect the nature and purpose of the original nonconforming use;

> (b) Is the current use merely a different manner of utilizing the original nonconforming use or does it constitute a use different in character, nature, and kind;

(c) Does the current use have a substantially different effect upon the neighborhood;

(d) Is the current use a "drastic enlargement or extension" of the original nonconforming

Mr. Robbins introduced the aforementioned letter from Arnold Jablon and the affidavits of Lentz Jestes, Esther Merryman and Harry Byans to establish the continued nonconforming use of the subject property. The only testimony presented at the hearing regarding the nonconforming use status of the subject property, prior to 1987, was presented by Protestants which indicated that the property has not been utilized as a three apartment dwelling for the statutory period.

After considering the evidence and testimony produced, it is the Zoning Commissioner's opinion that the subject property does not meet the McKemy test for purposes of establishing a three apartment dwelling as a lishing a two apartment legal nonconforming use dwelling.

the correspondence dated October 23, 1986 from them Zoning Commissioner, Arnold Jablon, to Mr. De risch, along with supporting affidavits, indicates the subject property had the requested nonconforming status.

Mr. Wagandt of 732 Oella Avenue testified as a Protestant. He stated that he has lived in this neighborhood since 1948 and has owned the adjacent property since 1973. Mr. Wagandt testified that he has been in the subject dwelling, on several occasions, and to his knowledge the property has never been utilized as three separate apartments. He also testified that, upon his last visit to the property, he noticed that the first floor contained a sink and a toilet, but no shower or bathing facility. He indicated that the parking along Glen Avenue is limited, and that on a number of occasions, tenants from the subject property have parked on his lot without permission.

Also testifying as a Protestant was Mr. Cameron of 789 Hollow Road. Mr. Cameron testified that he has personally observed to ants from the subject property parking on Mr. Wagandt's lot and, otherwise, generally agreed with Mr. Wagandt's testimony.

Zoning came officially to Baltimore County on January 2, 1945, when, pursuant to provious authorization by the General Assembly, the County Commissioners adopted a comprehensive set of zoning regulations.

The Commissioners were first authorized to adopt comprehensive plan ning and zoning regulations in 1939 (Laws of Maryland, 1939, ch. 715). Athe next biennial session of the General Assembly, this authorization was repealed, and a new authorization was enacted (Lavs of Md., 1941, ch. 247). Before any such regulations were issued, the Legislature authorized the Commissioners to make special exceptions to the regulations (Laws of Md., 1943, ch. 877). The first regulations were adopted and took effect

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore

Hearing to approve the nonconforming use of a three apartment dwelling in

a D.R.3.5 zone, all in accordance with Petitioner's Exhibit 1, be and is

hereby GRANTED IN PART, as to two (2) apartments only, subject, however,

to the following restrictions which are conditions precedent to the

1. The Petitioner may apply for his building

permit and be granted same upon receipt of this Order; however, Petitioner is kereby made aware

that proceeding at this time is at his own risk

until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner

would be required to return, and be responsible for returning, said property to its original

1, 1991. The Petitioner shall notify the Zoning Commissioner in writing, within thirty (30) days

of the completion date, that the aforementioned

Petitioner shall permit a representative of the Zoning Enforcement Division to make an inspection

of the subject property to insure compliance with

conversion has been completed.

That the subject property shall be converted to a two apartment dwelling on or before January

Upon request and reasonable notice, the

day of septem 1989 that the Petition for Special

on January 2, 1945. See Kahl v. Cons. Gas Elec. Light. and Pwr. Co., 191 Md. 249, 254, 60 A.2d 754 (1948); Calhoun v. County Board of Appeals, 262 Md. 265, 277 A.2d 589 (1971).

Section II of those regulations created seven zones, four being residential, one commercial, and two industrial. See McKemy v. Baltimore County, Md., 39 Md. A 257, 385 A.2d 96 (1978).

Those criginal regulations provided for nonconforming uses. The statute read as follows:

"A lawful nonconforming use existing on the effective date of the adoption of these regulations may continue, provided, however, upon any change from such nonconforming use to a conforming use, or any attempt to change from such monconforming use to a different nonconforming use or any discontinuance of such nonconforming use for a period of one year, or in case a nonconforming structure shall be damaged by fire or otherwise to the extent of seventy-five (75%) percent of its value, the right to continue to resume such nonconforming use shall terminate, provided, however, that any such lawful nonconforming use may be extended or enlarged to an extent not more than once again the area of the land used in the original nonconforming use." Section XI, 1945, B.C.Z.R.

Baltimore County adopted a new set of comprehensive zoning regulations on March 30, 1955. The issue of nonconforming uses are dealt with in Section 104 of those regulations. The Section then read:

"104.1 - A lawful nonconforming use existing on the effective date of the adoption of these regu lations may continue; provided that upon any change from such nonconforming use to any other use whatsoever, or any abandonment or discontinuance of such nonconforming use for a period of one year or more, or in case any nonconforming business or manufacturing structure shall be damaged by fire or other casualty to the extent of seventy-five (75%) percent of its replacement cost at the time of such loss, the right to continue or resume such nonconforming use shall terminate. No nonconforming building or structure and no nonconforming use of a building,

cost at the time of such loss, the right to continue or resume such nonconforming use shall terminate. No nonconforming building or structure and no nonconforming use of a building, structure, or parcel of land shall hereafter be extended more than 25% of the ground floor area of buildings so used. (B.C.Z.R., 1955; Bill No.

18. 1976)"

of buildings so used."

As with all nonconforming use cases, the first task is to determine what lawful nonconforming use existed on the subject property prior to January 2, 1945, the effective date of the adoption of the Zoning Regulations and the controlling date for the beginning of zoning.

structure, or parcel or land shall hereafter be

extended more than 25% of the ground floor area

Section 104.1 was changed to its current language on March 15, 1976

"A nonconforming use (as defined in Section 101)

may continue except as otherwise specifically

provided in these Regulations; provided that upon

any change from such nonconforming use to any

other use whatsoever, or any abandonment or dis-

continuance of such nonconforming use for a peri-

od of one year or more, or in case any nonconforming business or manufacturing structure shall be

damaged by fire or other casualty to the extent

of seventy-five (75%) percent of its replacement

by Bill No. 18-76. The current effective regulation reads as follows:

The second principle to be applied, as specified in Section 104.1, is whether or not there has been a change in the use of the subject property. A determination must be made as to whether or not the change is a different use, and therefore, breaks the continued nature of the nonconforming use. If the change in use is found to be different than the original use, the current use of the property shall not be considered nonconforming. See McKemy v. Baltimore County, Md., 39 Md. App.257, 385 A2d. 96 (1978).

When the claimed nonconforming use has changed, or expanded, then the Zoning Commissioner must determine whether or not the current use

Pursuant to the advertisement, posting of the property, and public hearing on this Petition hel and for the reasons given above, the relief

cc: John Willis, Esquire, Lloyd, Kane and Wieder, 3716 Court Place, Ellicott City, Maryland 21043 cc: Mr. Charles Wagandt, The Oella Company, 732 Oella Avenue, Ellicott

cc: Peoples Counsel

City, Md. 21043 cc: Mr. Craig Cameron, 789 Hollow Road, Ellicott City, Md. 21043

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve the establishment of a permanent legal non-conforming use of the property known as 791 Glen Avenue, Oella, Maryland, as a three-

apartment dwelling/within the D.R. 3.5 zone) (See attached Supplement to Petition)

Property is to be posted and advertised as prescribed by Zoming Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property

Contract Purchaser:	Legal Owner(s):	MAR 300 32
	GARY RANDALL ROBBINS	2A
(Type or Print Name)	(Type or Print Name)	s. D. 15!
Signature	Signature	DATE 11-2-70
Address	(Type or Print Name)	1000 BF.
City and State	Signature	OP G
Attorney for Petitioner:	The second of th	
John Willis	8662 Main-Street461-20	

Ellicott City, MD 21043 City and State Signature LLOYD, KANE & WIEDER Name, address and phone number of legal owner, con-3716-Gourt-Place -tract purchaser or representative to be contacted Ellicott City, MD 21043

Commissioner of Baltimore County in Room 10d, County Office Building in Towson, Baltimore

requested should be granted in part.

aforegoing relief:

condition.

2 CO -#4 1

which is the subject of this Petition.

Athorney's Telephone No.: 461-9400

PETITION I					COMMISSIO	NEK
SPECIAL H				OF DAT TI	MORE COUNTY	
"(NON-CONF			HMENT):-	CASE		
GARY RAND		l 1 Petition	er			
	t *			*		

### SUPPLEMENT TO PETITION

Gary Randall Robbins, by his attorney, John Willis, states that he owns land in Baltimore County affected by the zoning regulations, and hereby petitions the Zoning Commissioner, pursuant to \$ 500.7 of the Baltimore County Zoning Regulations, to approve and establish as a permanent and lawful non-conforming use, a three-epartment dwelling in the property known as 791-793 Glen Avenue, Oella, Karyland.

### 1. Description of the Subject Property and Ownership

On February 6, 1987, petitioner, Gary Randall Robbins, purchased the property known as 791-793 Glen Avenue, in Oella, Maryland. A deed to Mr. Robbins from Mary E. Moore, life tenant with full power to dispose of and convey the subject property, is recorded among the Land Records of Baltimore County, Maryland, in Liber 7716, folio 563. The two-parcel property, containing a total of 8,947 square feet, lies within the First Election District of Baltimore County. It is located as parcel 1133 on Battimore County Tax Map 100.

A semi-detached three-story dwelling lies on both parcels near the front of the lot. The house is made of stone and frame, and contains a total of approximately 2,000 square feet. Although the subject property is zoned D.R. 3.5, it has been and presently is being used as a three-apartment dwelling, with one apartment on each of the floors.

As is typical in the old town of Oella, the dwelling is located very close to the right-of-way, with some points as near as 5 feet, although the property is elevated 6 feet above Glen Avanue. Within 200 feet of the subject property, there are both single-family detached and semi-detached dwellings on Glen Avenue. There is no parking available on the subject property, but, there is sufficient parking for all Glen Avenue residents along the

A legal metes and bounds description of the subject property is attached hereto as Exhibit A. The site plat of the subject property and its environs is attached hereto as Exhibit B.

# 2. History of the Subject Property's Use

The original section of the dwelling on the subject property was built prior to the Civil War. Over the next 100 years, a total of three (3) additions were made to the dwelling, which additions included front and back rooms and a third-floor kitchen. As far back as any local residents can remember, the dwelling has been used as a three-apartment residence by the Biddinger, Moore and Stuples families, each one having separate apartments in the house. Three long-time residents of the neighborhood, Lentz

Jestes, Esther C. Merryman, and Harry C. Byers, made affidavits in October, 1986, that based upon their personal knowledge, 791-793 Glen Avenue has been used as a three apartment dwelling since at least 1940, which by far predates Baltimore County's first zoning ordinance. The affidavits are attached hereto as Exhibits C, D

### 3. Reason for the Petition

In 1986, when the subject property was made available for sale by Mary E. Moore, the seller's agent, ERA-Caton Realty Co., made application for the establishment of a non-conforming use classification in order to make the property more marketable. Based upon the above mentioned affidavits of Mr. Jestes, Mrs. Merryman and Mr. Byers, the Zoning Commissioner granted a conditional non-conforming use of the subject property for a threeapartment dwelling. A letter dated October 23, 1986, from Arnold Jablon, Zoning Commissioner, confirming the decision is attached hereto as Exhibit F. Prior to this decision, there was no written acceptance or treatment by Baltimore County of the property as a three-apartment non-conforming use, although it had existed as

Petitioner then settled on the subject property in February, 1987, after the conditional non-conforming use decision. As of the date of this petition, no interested person has challenged the acceptance of the conditional non-conforming use. Petitioner, however, desires to establish a permanent non-conforming use of the subject property, in order to remove any temporary status, and to create a presumption of non-conforming use in the event of a future challenge. It will also create certainty for the petitioner, and to any future buyers -- certainty which is not present even at this time, despite the long standing non-conforming use.

### 4. No Adverse Effect

The establishment of a permanent non-conforming use for a three-apartment dwelling on the subject property will not adversely effect the surrounding neighborhood. This is obviously the case, as the property has been existing as a three-apartment dwelling. Petitioner is asking for no greater or more onerous non-conforming use than has existed since at least 1940. The permanent establishment will not require any greater fire or police services, nor any more County-provided utility services than is already being provided. Such establishment will simply confirm the non-conforming status of the subject property.

WHEREFORE, petitioner requests that the Zoning Commissioner grant the petition for the permanent establishment of a non-conforming use for a three-apartment dwelling at 791-793 Glen Avenue.

> MILOYD, KANE & WIEDER, P.A. 3716 Court Place Ellicott City, Maryland 21043 (301) 461-9400 Attorney for Petitioner

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the affiant and affiant is competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto;

I have personal knowledge that the home located at 79/08/

147. I also have apartment dwelling since personal knowledge that all apartments within the dwelling have been

utilized as such continuously and uninterruptedly since

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

trence

as such affiant, and made oath in due form of law that the matters and . facts hereinabove set forth are true and correct to the best of knowledge and belief.

AS WITNESS my hand and Notarial Seal

EXHIBIT C

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the informati, herein given is within the personal knowledge of the affiant and affiant is competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto:

has been used as a (two/three, etc.)

personal knowledge that all apartments within the dwelling have been utilized as such continuously and uninterruptedly since \_

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

C

as such affiant, and made oath in due form of law that the matters and . facts hereinabeve set forth are true and correct to the best of knowledge and belief.

AS WITHESS my hand and Notarial Seal

EXHIBIT D

AFFIDAVIT

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the affiant and affiant is competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto:

I have personal knowledge that the home located at 29/ Me Come (two/three, etc.)

personal knowledge that all apartments within the dwelling have been utilized as such continuously and uninterruptedly since

1955. This personal knowledge is based upon: Faring in .

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 1111- day of Oct., 1980, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared form ( Summe the affiant herein, personally known or satisfactorily identified to me as such affiant, and made cath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of knowledge and belief.

AS WITNESS my hand and Notarial Seal

EXHIBIT E

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING TOWSON, MARYLAND 21204

ARNOLD JABLON ZONING COMMISSIONER October 23, 1986 DEPUTY ZONING COMMISSIONER

Mr. Ed Deppisch ERA - Caton Realty Co. 618 Edmondson Avenue Baltimore, Maryland 21228

RE: Conditional Acceptance of Alleged Nonconforming Use 791-793 Glen Road 1st Election District

Dear Mr. Deppisch:

Based upon the Notarized Affidavits signed by Lentz Jestes, Esther C. Merryman and Harry C. Byers, this office conditionally accepts the abovereferenced property/use, zoned Density Residential (D.R. 3.5), as having a nonconforming use status for a three-apartment dwelling. Said acceptance is subject, however, to the following conditions:

1. It is understood by all concerned that this acceptance does not establish an irrefutable presumption of a legal nonconforming use status for this property.

2. This decision is based upon the understanding that the use in question presently exists and the Notarized Affidavits establish a reasonable basis to permit a continuance of the use pending a challenge by any interested citizen of this conditional acceptance.

3. In the event of a challenge, this approval is automatically rescinded, and to be reestablished, a public hearing would be required.

4. In the event of a challenge, the burden of proof is entirely upon the owner of the property in question.

> anvell ablow ARNOLD JABLON

Zoning Commissioner

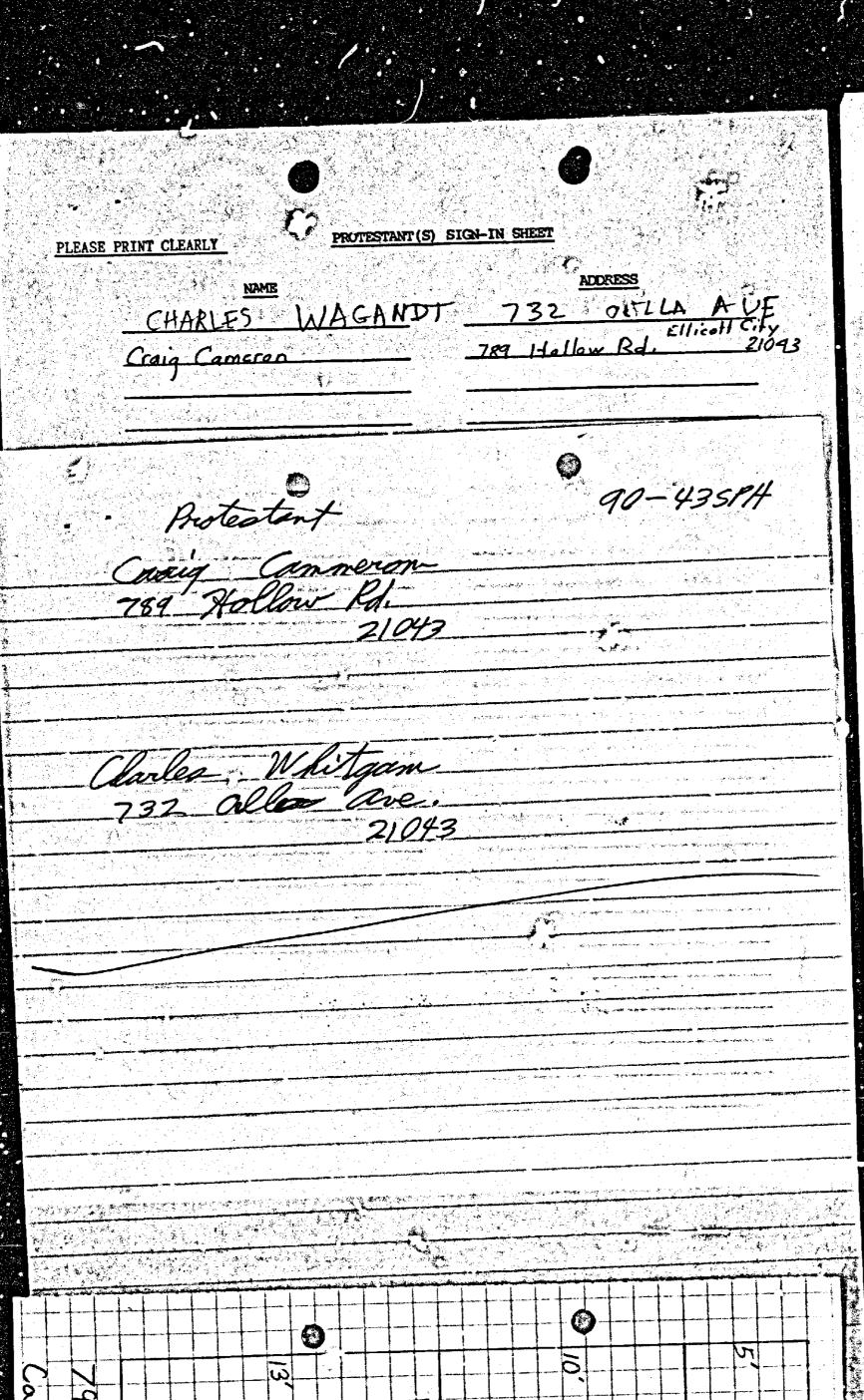
AJ:JED:kkb

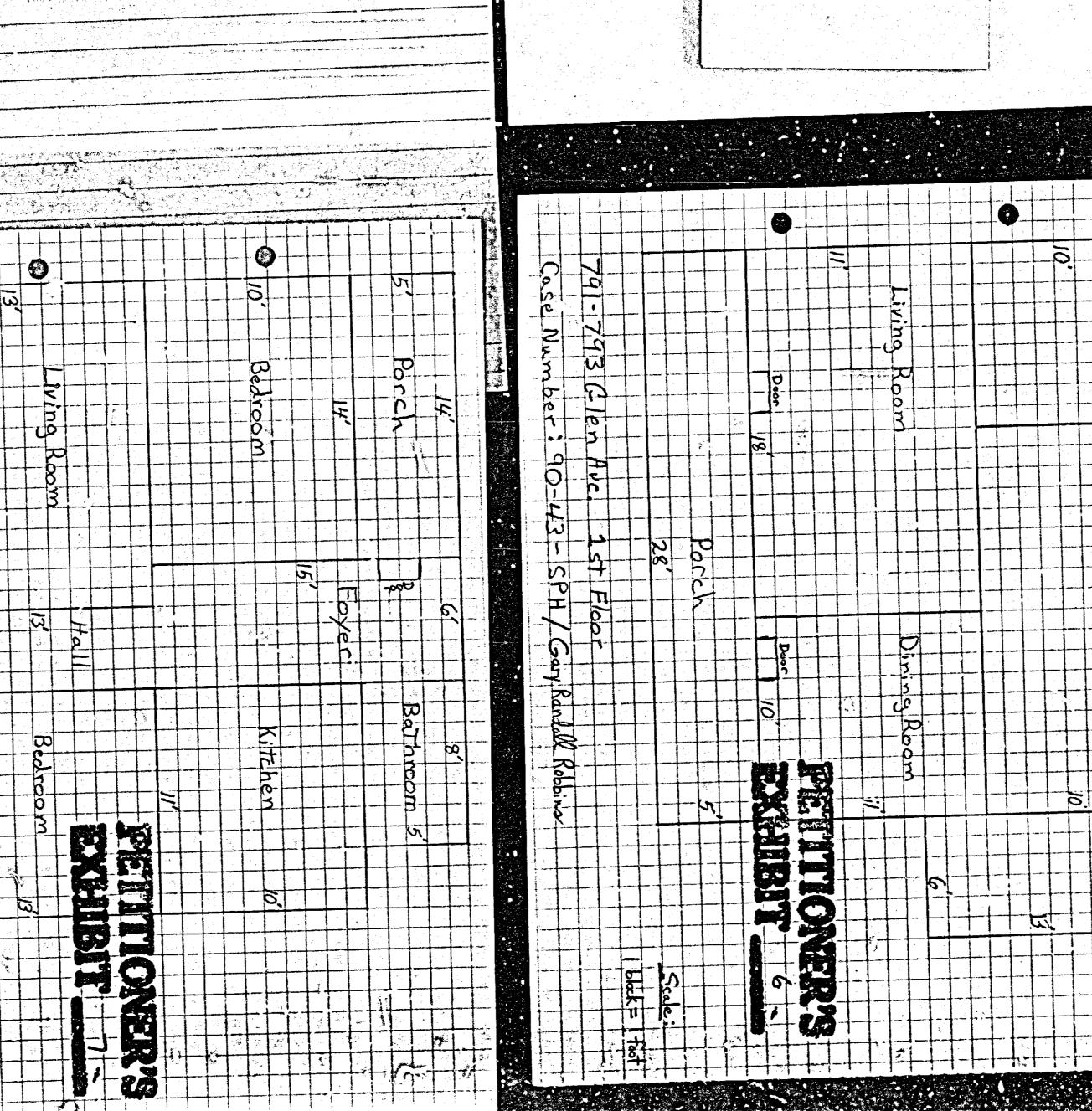
cc: Ht. James E. Dyer, Zoning Supervisor

EXHIBIT Y

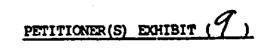
SHANABERGER & LANE ZONING T. CRIPTION PROPERTY OF GAR, RANDALL ROBBINS Beginning at a point on the southwest side of Glen Avenue at a distance of 218 feet, more or less, southeast of the centerline of Hollow Road; thence running:

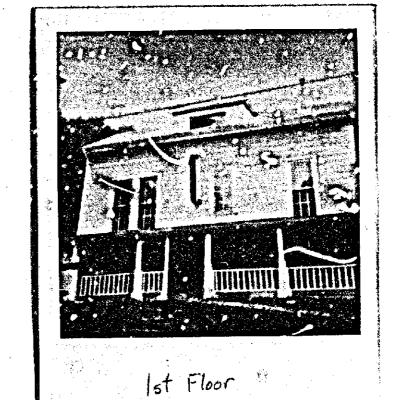
(1) South 64° 48' 24" East 12.96 feet; thence
(2) South 46° 09' 30" East 47.26 feet; thence
(3) South 24° 49' 03" West 142.73 feet; thence
(4) North 64° 05' 05" West 44.74 feet; thence
(5) North 24° 49' 03" East 8.33 feet to an iron pipe; thence
(6) North 64° 30' 08" West 12.96 feet to an iron pipe; thence
(7) North 24° 49' 03" East 152.00 feet to the place of beginning.
Containing 8740.9 square feet, or 0.2007 acres, of land, more or less. Being all that land which, by deed dated February 6, 1987, and recorded among the Land Records of Baltimore County, Maryland in Liber 7716, Folio 563, was conveyed by Mary E. Moore unto Gary Randall Robbins. With Thanderger EXHIEIT A 8726 Town and Country Boulevard . Suite 203 . Ellicott City, Maryland 21048 . (801) 461-9568

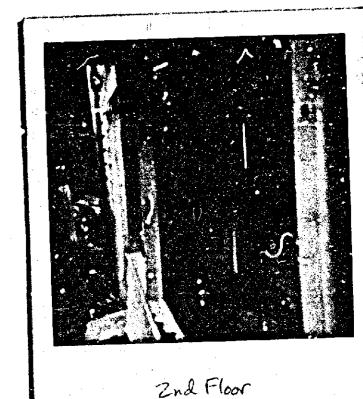


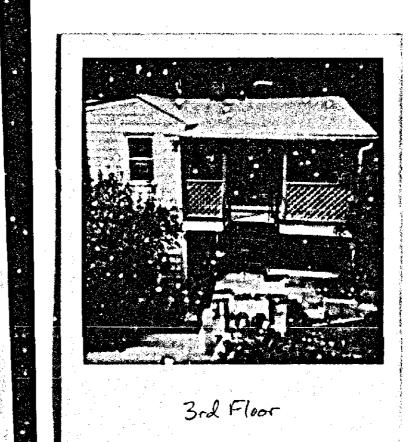


PETITIONER(S) EXHIBIT ( 7





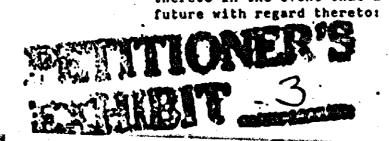






The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the affiant and affiant is competent to testify thereto in the event that a public hearing is scheduled in the



The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the affiant and affiant is competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto:

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the affiant and affiant is competent to testify thereto in the event that a public hearing is scheduled in the fature with regard thereto:

I have personal knowledge that the home located at 79/5kg 

personal knowledge that all spartments within the dwelling have been 

1992. This personal knowledge to based upon:

BALTIMORE COUNTY CONING OFFICE OF PLANNING G ZONING TOWSON, MARYLAND 21204 494-3353 JEAN M. H. JUNG DEPUTY ZONING COMMISSIONER MOJUAL DIONIA ZONING COMMISSIONER Mr. Ed Deppisch ERA - Caton Realty Co. 618 Edmondson Avenue Baltimore, Maryland 21228 RE: Conditional Acceptance of Alleged Nonconforming Use 791-793 Glen Road Dear Mr. Deppisch: Based upon the Notarized Affidavits signed by Lentz Jestes, Esther C. Merryman and Harry C. Byers, this office conditionally accepts the abovereferenced property/use, zoned Density Residential (D.R. 3.5), as having a nonconforming use status for a three-apartment dwelling. Said acceptance is subject, however, to the following conditions: J. It is understood by all concerned that this acceptance does not establish an irrefutable presumption of a legal nonconforming use status for this property. 2. This decision is based upon the understanding that the use in question presently exists and the Notarized Affidavits establish a reasonable basis to permit a continuance of the use pending a challenge by any interested citizen of this conditional acceptance. In the event of a challenge, this approval is automatically rescinded, and to be reestablished, a public hearing would be required. 4. In the event of a challenge, the burden of proof is entirely upon the owner of the property in question. PETITIONER'S AJ:JED:kkb EXHIBIT 2 FXHIBIT F

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Posted for: Special Hearing -Gary Randall Robbins Location of property 5 m/s glen aremue, 218' SE of C/L of Hollow Road Location of Signs: In front of 791 and 793 Glen arenue Number of Signe: CERTIFICATE OF PUBLICATION THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed -9-uly 20\_, 1089 ARBUTUS TIMES Special Hearing: The selectric transport of a permanent legal representation of a permanent legal representation of a permanent legal representation of the property income as 791-793 Glen Avenue, Cells, Maryland as a three-apartment dwelling within the D.R.S.S. zone.

In the event that this Pattion is THE SEFFERSONIAN, S. Zehe Orlm In the event that this Pattlion is a Tarted, a building permit may be issued within the thirty (30) day appeal priod. The Zoning Commissioner will, however, art estain any, request for a say of the issuance of said permit during this period for good cause shown. Such requ. at must be in writing and received in this office by the date of the hearing and above or presented at the hearing. PO 13735. J. ROBERT HAINES Zoning Commissioner of reg, M31032 CS 90-43-SPH price \$67,35

> Baltimore County
> Zoning Commissioner
> Office of Planning & Zoning
> Towson, Maryland 21204 (301) 887-3353 J. Robert Haines
> Zoning Commissioner



Your petition has been received and accepted for filing this

A. Robert House

Zoning Plans Advisory Committee

cc: Mr. Gary Randall Robbins 8662 Main Street Ellicott City, MD 21043

BALT MORE COUNTY ZONING PLANS ADVISORY COMMITTEE

Petitioner: Gary Randall Robbins Petition for Special Hearing

The Zoning Plans Advisory Committee has reviewed the plans

submitted with the above referenced petition. The following

comments are not intended to indicate the appropriateness of

the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of

Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on

your petition. If similar comments from the remaining members are received. I will forward them to you. Otherwise, any com at that is not informative will be placed in the hearing

file. This petition was accepted for filing on the date of the

enclosed filing certificate and a hearing scheduled

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN

COMMENTS TO KY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Zoning Plans Advisory Committee

John Willis, Esquire Lloyd, Kane and Wieder 3716 Court Place

Dear Mr. Willis:

zoning.

accordingly.

Ellicott City, MD 21043

COUNTY OFFICE BLDG. 111 W. Chesapeake Ave. Towsbn, Weryland 21244

Departurat of Tractic Engineering

State Spedu Comis Bur == Ot Fire Prevention

Mealth Department

Project Planning
Building Pepertment
Board of Education

Industrial

loning Administration

Towson, Maryland 21204 Dear Mr. Haines: The Bureau of Traffic Engineering has no comments for items number 487, 488, 489, 491, 492, 494, 495, 496, 497, 498, and 499.

MSF/lvw

Baltimore County Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines Zoning Commissioner

Mr. Gary Randall Robbins 8662 Main Street Ellicott City, Maryland 21043

> CASE NUMBER: 90-43-SPH SWS Glen Avenue, 218' SE of c/l of Hollow Road 791 - 793 Glen Avenue 1st Election District - 1st Councilmanic

Petitioner(s): Gary Randell Robbins HEARING SCHEDULED: THURSDAY, AUGUST 10. 1989 at 9:30 a.m.

Please be advised that \$ 117.35 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S)
RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE.

DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY

7/24/89

UNTIL THE DAY OF THE HEARING. BALTIMORE COUNTY, MARYLAND \$ounty Office Build-OFFICE FINANCE - REVENUE DIVISION yland fifteen (15) MISCE LANEOUS CASH RECEIPT post set(s), there Bal 615000 AMOUNT\_\$ 117.35 PROM GARY BANDAL BORRINS 90.43-5PH ea B 020\*\*\*\* 11735: a 8102F

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

DATE: July 26, 1989 J. Robert Haines Zoning Commissioner

Pat Keller, Deputy Director Office of Planning and Zoning

Gary Randall Robbins, Item 498
SUBJECT: Zoning Petition No. 90-13-5PH

The owner has petitioned for the establishment of a permanent legal nonconforming use of the property known as 791 Glen Avenue, Oells, Maryland, as a three-apartment dwelling within the DR3.5 zone. In reference to this request, staff offers no comment.

PK/sf

Baltimore County
Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 405 Towson, Maryland 21204 (301) 887-3554

Mr. J. Robert Haines

County Office Building

Zoning Commissioner

June 6, 1989

Traffic Ingineer Assoc. II

Baltimore County Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353

J. Robert Haines Zoning Commissioner

NOTICE OF HEARING



The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Special Hearing CASE NUMBER: 90-43-SPH SWS Glen Avenue, 218' SE of c/l of Hollow Road 791 - 793 Glen Avenue 1st Election District - 1st Councilmanic Petitioner(s): Gary Randall Robbins HEARING SCHEDULED: THURSDAY, AUGUST 10, 1989 at 9:30 a.m.,

Special Hearing: The establishment of a permanent legal non-conforming use of the property known as 791-793 Glen Avenue, Gella, Maryland as a three-apartment dwelling within the D.R.3.5 zone.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however. entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Springe J. ROBERT HAINES ZONING COMMISSIONER

BALTIMORE COUNTY, MARYLAND

cc: Gary Randall Robbins John Willis, Esq. File

> Baltimore County Fire Department 800 York Road Towson, Maryland 21204-2586 (301) 887-4500 Paul H. Reincke

> > Location:

Gentlemen:

June 1, 1989

J. Robert Haines Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204

RE: Property Owner: Gary Randall Robbins

791 Glen Avenue

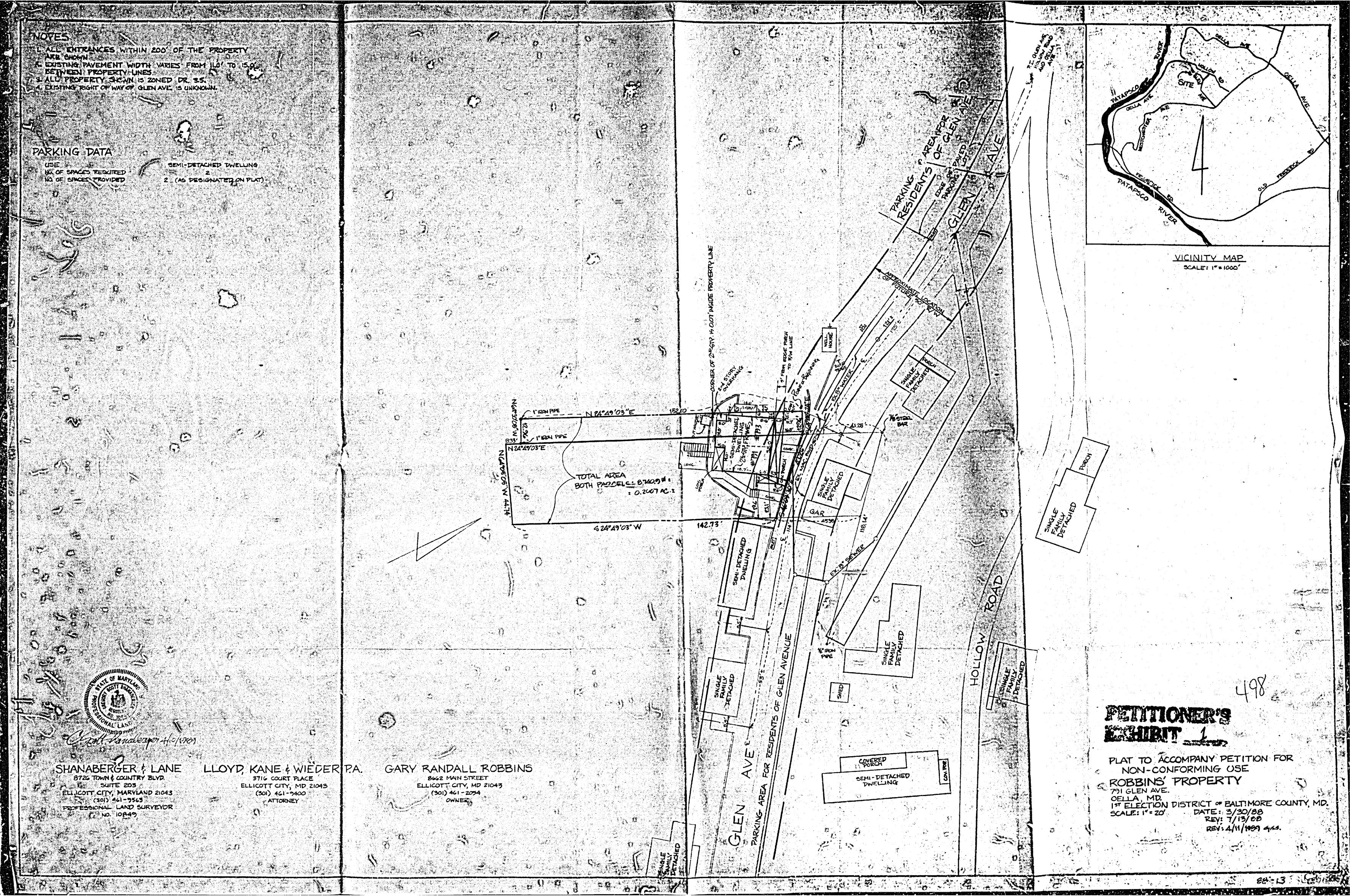
Item No.: (1983) Zoning Agenda: May 30, 1989

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: Catt Incept 1/1 6-269 Approved Approved Fire ProSpecial Inspection Division

JK/ker



Flexander Whitney, Jr., P.E. Paul E. Cox, P.E.
Richard Wm. Magnani, P.E.
Douglas F. Suess, P.E.
Wm. Preston Davis, P.E.
Philip Der, P.E. David G. Mongan, P.E.

Baltimore, Maryland 21286

WHITNEY BAILEY



COX MAGNANI

Brian D. Jones, P.E Donold W. Fiske, P.E Burruss E. Holloway, P.E. teon J. Kriebel, P.E. W. Howard Garrett, AIA John J. Knight, P.E. Albert M. Copp Jomes W. Holls, P.E. Patrick B. Ford Charles E. Utermohle, III, P.E.



October 6, 1997

**Development Review Committee** Department of Permit Development Management **Development Services Section** 111 W. Chesapeake Avenue, Room 111 Towson, Maryland 21204

ATTN:

Mr. John Lewis

Crown Service Station

Site No. 70 - Liberty Road and Brenbrook Drive

WBCM Job No. 97161.02.1

#### Gentlemen:

On behalf of Crown Station, we are requesting approval of the More In Keeping Plan, in accordance with Section 405 of the Baltimore County Zoning Regulation.

The following planning and zoning agencies have reviewed the More In Keeping Plan, and have given us their comments and approvals.

- 1. Mr. Avery Harden, Planting, approved the drawing on September 24, 1997, and requested additional plantings. The additional plants are as shown in the revised drawing.
- 2. Mr. Ervin McDaniel, Planning, approved the drawing on September 25, 1997, and requested the proposed dimension of the building. The dimension is 52.5 feet long x 28.5 feet wide, or 1,496.25 SF, and is shown in the revised plan.
- 3. Mr. Rahee Famili, Engineering, approved the drawing on September 30, 1997.
- 4. Mr. Bob Bolling, Planting, approved the drawing on September 30, 1997.
- 5. Mr. John Lewis reviewed the plans on September 30, 1997, and our response to his comments are as follows:
- a. Indicate all vacuum/air pump units.

All units labeled.



WHITNEY BAILEY

COX MAGNANI

ATTN: Mr. John Lewis October 6, 1997 Page 2

b. Show stacking space for the vacuum/air pump unit.

Stacking spaces have been provided,

c. Use actual square footage of the building to determine the number of parking spaces.

The 1,500 SF measurement is revised to 1,496 SF to determine the number of parking

Should you have any questions, please do not hesitate to contact us.

Sincerely,

WHITNEY, BAILEY, COX & MAGNANI

Project Engineer

KKS:kal WD\9716102L.704



MAGNANI

ATTN: Mr. John Lewis October 6, 1997 Page 2

b. Show stacking space for the vacuum/air pump unit.

Stacking spaces have been provided.

c. Use actual square footage of the building to determine the number of parking spaces.

The 1,500 SF measurement is revised to 1,496 SF to determine the number of parking

Should you have any questions, please do not hesitate to contact us.

Sincerely,

WHITNEY, BAILEY, COX & MAGNANI

Project Engineer



October 8, 1997

2nd Election District

Dear Mr. Siew:

The More in Keeping Plan for the Crown Central fuel service station at Liberty and Brenbrook Roads is approved per Section 405.6 of the Baltimore County Zoning Regulations. Provide this information on all future plans.

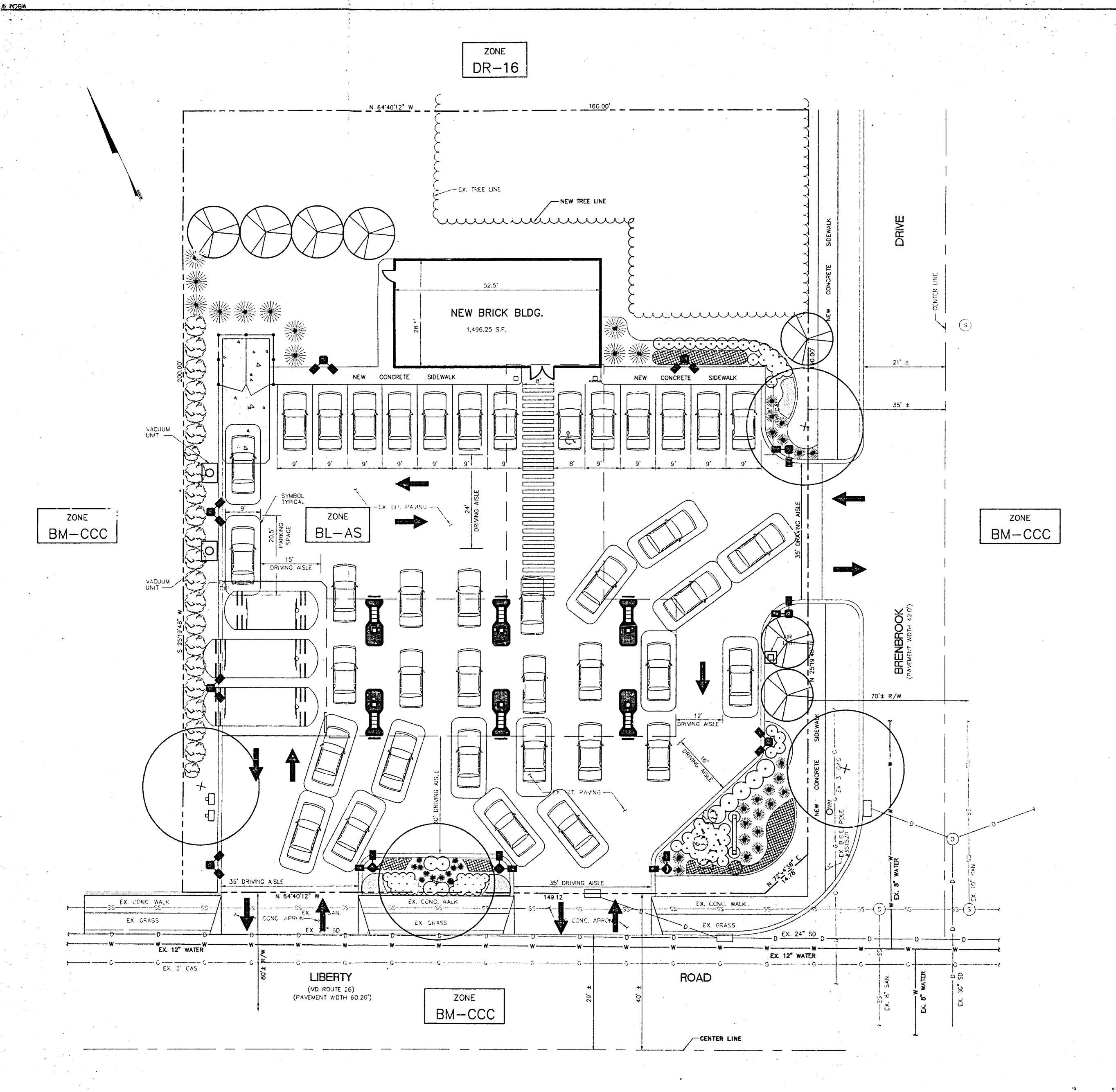
Sincerely.

Planner II, Zoning Review

JLL:rye

c: zoning case CR-90-43-SPHX

Quality deep Peer Review



## ZONING HISTORY FOR CROWN STATION NO. MD 75.

BLOCK NUMBER: NW 7H CASE NUMBER: CR90-43-XSPH ITEM 44. CYCLE III: 1989-1990	A PETITION FOR RECLASSIFICATION FROM B.LC.C.C. TO B.LC.S.A. OR 9.LC.N.S., IN COMBINATION WITH A REQUEST FOR A SPECIAL EXCEPTION TO PERMIT A FOOD STORE AND CAR WASH AND A SPECIAL HEARING TO AMEND THE SITE PLAN PRESENTED IN CASE NO. 73-142-RXA., THE PETITION WAS GRANTED WITH RESTRICTION ATTACHED.
BLOCK NUMBER: NW 7H CASE NUMBER: CR86-499-A	A PETITION FOR ZONING VANIANCE TO PERMIT A FREE STANDING REPLACEMENT, RELOCATED DOUBLE-FACE I.D. SIGN OF 181.3 SQUARE FEET IN LIEU OF THE PERMITTED 100 SQUARE FEET. PETITION GRANTED.
BLOCK NUMBER : NW 7H CASE NUMBER : 73-142-RXA	A PETITION OF FRANKLIN L. BYERS AND SONS, INC. (BP OIL CORPORATION, CONTRACT PURCHASER) FOR REDISTRICTING FROM CCC TO CSA DISTRICT, SPECIAL EXCEPTION FOR USE USE IN COMBINATION CARWASH WITH AUTOMOTIVE SERVICE STATION, AND VAVIANCE FROM SECTION 405-48.5 OF THE BALTIMORE COUNTY ZONING REGULATIONS, ON PROPORTY LOCATED ON THE NORTHEAST CORNER OF LIBERTY ROAD AND BRENBROOK ROAD, IN THE 2nd(SECOND) DISTRICT OF BALTIMORE COUNTY. PETITION DENIED.
BLOCK NUMBER : NW 7H CASE NUMBER : 4720-X	A PETITION FOR A SPECIAL EXEMPTION TO USE THE LAND HEREAFTER DESCRIBE FOR GASOLINE SERVICE STATION. PETITION GRANTED.

### PARKING CALCULATIONS

{ IN ACCORDANCE WITH BILL No. 172, 1993. }
BALTIMORE COUNTY ZONING REGULATIONS }

- (1) One space per employee on the largest shift ----- = 2 (2) Three spaces per 1000 sq. ft. of gross floor area 1,496 sq. ft. \* 3/1000 ----- = 5 (3) Three spaces per service bay ----- = 0
  (4) One space per self serve air and/or vacuum
  cleaner unit -----= = 3 (5) One space per automatic teller machine ----- = ( TOTAL PARKING SPACES NEEDED -----TOTAL PARKING SPACES PROVIDED -----= 13
- THIS SERVICE STATION WILL PROVIDE A RESTROOM FACILITY,

  \* WATER AND COMPRESSED AIR FOR CUSTOMERS IN ACCORDANCE WITH BIII No. 172, 1993. BALTIMORE COUNTY ZONING REGULATIONS

CROWN SERVICE STATION MD 70 CHANGES CONCERNING VEHICULAR ACCESS, INTERNAL CIRCULATION, AND CAPACITY, TO BE MORE IN KEEPING WITH BILL No. 172, 1993 REGULATIONS, SECTIONS 405.1 THROUGH 405.8

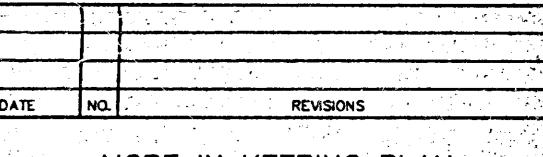
# VEHICLE RESERVOIR CAPACITY

{ IN ACCORDANCE WITH BIII No. 172, 1993. }
BALTIMORE COUNTY ZONING REGULATIONS }

- (1) FUEL SERVICE SPACES (1 SPACE/MULTI-PRODUCT DESPENSER (MPD) SIDES) -12 MPD SIDES\* 1 SPACE/1 MPD = 12 FUEL SERVICE SPACES.
- (2) STACKING SPACES (1 SPACE/MPD ISLAND SIDE)
- -12 MPD ISLAND SIDES\* 1 SPACE/MPD ISLAND SIDE = 12 STACKING SPACES.

### DESIGN STANDARD NOTES

- (1) ALL PAVED SURFACES TO BE ASPHALT AND/OR CONCRETE. ALL OTHER SURFACES TO BE MULCHED, LANDSCAPED AND/OR LAWN.
- (2) THE ENTIRE SITE WILL HAVE POSITIVE DRAINAGE, AS TO LEAVE NO STANDING WATER.
- (3) ALL OVERHEAD LIGHTS WILL BE ARRANGED AS TO REFLECT. THE LIGHT. AWAY FROM PUBLIC STREETS.
- (4) ALL PARKING STRIPING SHALL BE MAINTAINED SO AS TO REMAIN VISIBLE.



MORE IN KEEPING PLAN

CROWN CENTRAL PETROLEUM CORPORATION MD 70 CONVENIENCE STORE AND GASOLINE PUMP ISLAND ADDITION

Corsulting Engineers (410) 512-4500 (410) 324-4100 (7/4) WHITNEY, BAILEY, COX & MAGNANI DESIGNED:

> CHEC. (ED: 7/13/97 1" = 10"

KIAN APPRINED AS BEING IN COMPLIANCE WITH SECT 405.6 BOZR SEE LIR. DATED 9/8/97

GRAPHIC SCALE ( IN FEET ) 1 inch = 10 ft

